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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1874.

Published by Authority.

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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home Department,—No. 2791, dated 26th July 1875.

No. 1217.

FROM

E. H. HARRISON, ESQUIRE,

Offg. Registrar, Chief Court, Punjab,

To

T. H. THORNTON, ESQUIRE, D. C. L.,

Secretary to Government, Punjab.

Dated LAHORE, *the* 15*th May* 1875.

SIR,

1. I am directed to submit the following Report on the Administration of Civil Justice during the year 1874.

2. The Report is arranged as follows :—

PART I.—ORIGINAL COURTS.

1. Institution of suits.
2. Disposal of original suits.
3. Miscellaneous suits.
4. Classification of suits.
5. Agency for disposing of suits.
6. Value and costs of suits.
7. Execution of decrees.

PART II.—SMALL CAUSE COURTS.

PART III.—APPELLATE COURTS.

1. Deputy Commissioners' Courts.
2. Commissioners' Courts.
3. Chief Court.

PART IV.—PROCEDURE.

PART I.—ORIGINAL COURTS.

1. INSTITUTION OF SUITS.

3. The number of original suits instituted in all Courts during the year was 2,30,649, being 8,794 more than in preceding year;—an increase of 3·8 per cent.

Institutions during year.

4. For the last five years the number of institutions in the Courts, divided into three classes, *viz*: District Courts, Small Cause Courts and Cantonment Courts, has been as follows :—

Class of Courts.	1870.	1871.	1872.	1873.	1874.
District Courts ...	1,68,032	1,77,542	1,77,260	1,84,688	1,89,267
District Small Cause Courts ...	30,628	35,376	34,276	30,964	34,951
Cantonment Small Cause Courts ...	6,946	6,007	6,430	6,203	6,431
Total ...	2,05,606	2,18,925	2,17,956	2,21,855	2,30,649

Increase as compared with previous year.

Thus an increase is shewn in the Courts of each class upon the figures of 1873.

The increase in District Courts is 2·4 per cent; in Small Cause Courts it is 11·4 per cent.

5. The two divisions of Jullundur and Amritsar account for more than one-third of the institutions of the Province.

Of the districts, the following shew highest :—

Siálkot	19,738	Amritsar ...	15,449
Hoshiárpur ...	19,149	Jullundur...	14,761

6. In the following districts the increase in institutions amounted to upwards of 10 per cent.

Districts in which there is an increase.

Jullundur	19 per cent.
Gurgáon	18 „
Jhelam	15 „
Hazara	14 „
Gurdáspur	12 „

The increase in Jullundur was chiefly in the Small Cause Court, and is attributed by the Deputy Commissioner to the greater popularity of the presiding judge as compared with his predecessor.

Causes of increase.

The increase in the District Courts is ascribed to the temporary location of an Extra Assistant Commissioner at the Nawashahr and Phillour Tahsils.

The expediency of thus increasing facilities of litigation is questioned by the Commissioner Jullundur.

In Hazara the increase is said to be due to the closing of the Settlement Courts, which occurred on the 1st October, 1874.

In the other districts the causes assigned for the increase are of a general nature.

7. In the following districts the decrease amounted to upwards of 10 per cent.

Districts in which there is a decrease.

Sirsa	19 per cent.
Muzaffargarh	19 „
Ferozpore	12 „
Mooltan	12 „

Causes of decrease.

The Deputy Commissioner, Sirsa, says that a series of bad seasons have so impoverished the indebted agriculturists, that the creditors know they could gain nothing by suing them.

In Muzaffargarh the decrease is partially due to the fact that suits regarding land, or the rent, revenue or produce of land were, in consequence of the settlement being in progress throughout the year, excluded from the Civil Courts.

There is a slight decrease in all the frontier districts, except Hazára.

The steady decrease of suits in Jhang, which was noticed in last year's report, has been changed this year for an increase of 10 per cent.

2.—Disposal of suits.

8. Imperial Return No. 8 of the Appendix shews the general result of trials of suits in the Province.

Including 10,047 suits pending from 1873, 6,147 re-admitted suits, and 17, suits received by transfer, there were a total number for disposal of 2,47,013, being 13,571 more than in the preceding year.

Suits for disposal.

Re-admitted cases have been shewn more carefully this year than before which accounts for the seeming increase in the number.

9. Of the total number for disposal, 2,34,840. or 11,447 more than in the previous year, were disposed of during the year, leaving a total pending of 12,173.

Suits disposed of.

It must be remembered that re-admitted cases are shewn twice over in disposals.

10. Of the 2,34,840 suits disposed of, 71,453 were disposed of without a decree, while in 1,63,387 a decree was passed.

Of the 1,63,387 cases in which decree was passed, 78,352 were uncontested and 85,035 were contested.

Contested and uncontested cases.

Thus of the total litigation 64 per cent was disposed of without contest and 36 per cent was contested.

11. The proportion of contested suits is always low in the Delhi division, being in the past year 24 per cent. In the Mooltan division it is 28 per cent. It is especially low in the Gurgáon and the Muzaffargarh districts, being only 18 per cent.

Proportion of contested suits where low and where high.

The following are the districts in which the proportion is highest—

Kangra	...	...	...	49 per cent.
Rawalpindi	...	...	...	48 „
Gurdáspur	...	...	...	44 „

Of the contested cases 70·8 per cent were decided in favor of the plaintiff.

12. The following per-centage table gives further details of disposal for each district of the Province, the figures of 1873 being added for sake of comparison :—

Further details of disposal.

1	2	3	4	5	6	7	8	9	10
District.	Year.	Per-centage of cases.					Contested and decided.		
		Dismissed on default.	Decided *ex-parte*.	Decided by confession.	By compromise, including adjustments, under Section 98, C. C. P.	By arbitration.	In favor of plaintiff.	In favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.
Delhi	1873	11	11	26	19	1·3	22	8	74
	1874	13	9	28	21	2·1	18	9	66
Gurgáon	1873	11	4	38	22	2·0	15	6	69
	1874	14	5	22	39	1·5	13	6	69
Karnál	1873	14	6	30	26	2·2	14	7	65
	1874	19	5	16	38	4·6	15	8	35
Hissár	1873	9	6	40	20	2·0	13	8	62
	1874	9	6	27	2[illegible]	1·4	17	8	66
Rohtak	1873	8	5	17	36	·8	20	10	66
	1874	8	5	15	34	2·0	25	9	73
Sirsá	1873	11	8	19	23	3·4	17	16	52
	1874	12	7	16	21	5·5	26	15	61
Umballa	1873	16	8	19	21	3·5	21	13	66
	1874	15	9	19	20	2·3	22	11	66
Ludhiána	1873	14	4	25	17	1·0	22	15	60
	1874	15	3	15	27	·7	23	14	62
Simla	1873	9	16	16	13	·7	33	9	78
	1874	7	16	19	10	1·5	35	9	79

1	2	3	4	5	6	7	8	9	10
District.	Year.	Per-centage of cases.					Contested and decided.		
		Dismissed on default.	Decided *ex-parte*.	Decided by confession.	By compromise, including adjustments, under Section 98, C. C. P.	By arbitration.	In favor of plaintiff.	favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.
Jullundur	1873	25	7	9	19	1·7	25	11	70
	1874	21	7	8	23	1.6	28	9	75
Hoshiárpur	1873	17	7	22	14	1·1	28	9	74
	1874	17	6	20	14	·9	29	11	72
Kangra	1873	15	6	21	9	2·0	30	14	67
	1874	12	6	22	9	3·0	34	14	70
Amritsar	1873	27	6	16	15	1·3	23	10	69
	1874	26	5	13	16	1·4	25	11	68
Gurdáspur	1873	20	6	18	8	1·2	26	13	66
	1874	21	8	8	15	1·1	31	18	69
Siálkot	1873	21	11	28	11	1·3	21	6	78
	1874	21	10	17	21	1·9	23	6	77
Lahore	1873	16	10	16	25	1·1	21	10	65
	1874	16	10	14	24	1·8	23	9	68
Ferozepore	1873	11	5	26	14	3·9	25	11	69
	1874	15	5	18	17	2·3	27	11	73
Gujránwála	1873	17	5	27	13	1·8	21	11	68
	1874	20	7	18	23	2·7	20	7	73
Rawalpindi	1873	11	9	22	14	2·1	28	13	68
	1874	10	10	19	14	2·2	36	12	74
Jhelam	1873	9	4	15	30	3·5	30	16	65
	1874	8	4	13	19	3·1	31	19	62
Gujrát	1873	21	3	27	10	3·8	20	13	59
	1814	24	3	14	23	4·1	21	11	64
Shahpur	1873	11	5	29	20	1·4	21	9	69
	1874	12	6	29	20	1·4	19	10	60
Mooltán	1873	14	7	27	22	3·1	16	7	69
	1874	13	6	26	22	2·5	20	9	69
Jhang	1873	16	7	11	27	1·3	19	9	65
	1874	19	8	9	30	·7	18	11	62
Montgomery	1873	16	5	30	19	2·4	16	7	68
	1874	20	7	5	35	2·6	17	10	62
Muzaffargarh	1873	28	5	20	23	1·8	14	5	74
	1874	27	7	16	29	·7	11	6	66
Bannú	1873	11	4	19	14	5·1	27	13	67
	1874	10	5	12	23	4·0	30	13	69
Dera Ismail Khán ...	1873	18	9	24	15	1·4	24	7	77
	1874	17	9	22	16	1·5	25	7	77
Dera Gházi Khán ...	1873	9	4	22	21	3·3	29	6	81
	1874	13	5	19	22	4·4	32	7	80
Peshawar	1873	9	7	20	19	·9	27	12	68
	1874	7	9	19	18	4·5	28	21	70
Hazára	1873	21	9	16	22	2·4	19	5	77
	1874	19	7	16	22	4·3	21	6	77
Kohát	1873	10	6	30	26	1·0	16	9	65
	1874	10	8	15	22	...	30	11	73
Average ...	1873	17	7	21	17	1·9	23	10	...
	1874	17	7	16	20	1·9	25	10	70

13. The proportion of cases decided by confession in the Province is 16 per cent, to 21 per cent last year, while the proportion of cases adjusted by mutual agreement (whether with or without a decree) is 20 per cent, or greater by three than last year.

Cases decided by confession.

This may be attributed to more careful observance of instructions as to the ranging of suits under either head of disposal.

14. Under the other heads of disposal specified in the table the provincial per-centages remain unchanged.

Cases dismissed on default.

15. The proportion of cases dismissed by default is 17 per cent.

In 17 per cent of the cases thus disposed of, applications for re-admission were filed, and of these applications 73 per cent were granted. Altogether, of the cases dismissed by default 12·7 per cent were restored to the file, and besides this in 2 per cent of the cases fresh suits were brought.

Proportion of cases dismissed in default where high.

16. The proportion of cases dismissed by default was high in—

Muzaffargarh	27 per cent.
Amritsar	26 „
Gujrát	14 „

The Deputy Commissioner of Muzaffargarh adheres to his opinion that a high proportion of such dismissals is due to cases being settled out of Court, and is a satisfactory symptom.

Cases decided *ex-parte*.

17. The provincial per-centage of cases decided *ex-parte* is 7.

In 11·6 per cent of these cases applications were made to set aside the decree, and of these applications 76 per cent were granted. Altogether, of the cases decided *ex-parte*, in 9 per cent were the decrees set aside.

Proportion of cases decided *ex-parte* high in Simla.

18. The only district in which the proportion of cases decided *ex-parte* is noticeably high is Simla, which, as was explained last year, is to be accounted for by the exceptional character of the suits and litigants.

Pending file.

19. The pending file at the end of the year was 12,173 cases, being 4·9 per cent of the number of suits for disposal. Of these only 42 cases were pending over four months.

20. The oldest cases pending were instituted on March 25th, 1874, in Amritsar, and April 17th, 1874, in Jhelam. In neither case does there seem to have been any sufficient reason for such delay.

Oldest cases pending.

21. The average duration of contested cases was 24 days and of uncontested cases 15 days.

Average duration of cases.

In the following districts the duration of contested cases was high :—

High in certain districts.

Amritsar	...	...	...	...	35 days.
Muzaffargarh	...	...	...	...	34 „
Hoshiárpur	...	..	...	...	33 „
Ludhiána	...	...	...	...	32 „

In Muzaffargarh the long duration is attributed to the physical characteristics of the country, which render locomotion difficult; and in Ludhiána the reason given is the increased number of pleaders employed.

In Siálkot, which shews the largest number of contested cases disposed of in the Province, the average duration of such suits is 20 days, or 4 days less than the provincial average.

22. The number of plaints rejected or returned was 3,471.

Plaints rejected or returned.

On the subject of the rejection of plaints in his Court, the Deputy Commissioner of Jhang advocates a systematic scrutiny of the plaint before admission, analogous to the examination of complainant in criminal cases before issue of process.

3—Miscellaneous cases.

23. There were 542 applications for collection of debts on succession under Act XXVII of 1860.

Cases under Act XXVII of 1860.

Of these 131 were in Lahore. The Deputy Commissioner, Delhi, remarks on a practice on part of the Courts in Amritsar and Delhi of refusing to entertain suits for recovery of debts due to a deceased person unless the plaintiff produces a certificate of succession. Such certificates, as he observes, should only be required in cases where a reasonable doubt as to the right of succession exists.

24. There were 129 cases under Acts XL of 1858 and IX of 1861, which relate to the custody of the persons and property of minors. These occurred chiefly in Hoshiárpur, Pesháwar, Lahore, and Umballa.

Cases under Acts XL of 1858 and IX of 1861.

25. 19 applications for probate and letters of administration were disposed of, of which 8 were in Simla.

Probate and letters of administration.

26. Petitions for foreclosure or redemption of mortgage under Sections 7 and 8 of Regulation XVII of 1806 numbered 63. Of these 24 were in Sirsa. The Deputy Commissioner Hissar speaks of 75 such cases having been instituted in the Courts subordinate to him, overlooking the fact that jurisdiction in such cases is confined to the District Judge; these are not shewn in the statements.

Foreclosure or redemption of mortgage.

4.—Classification of suits.

27. Imperial Return No. 6 of the Appendix shews the number of each class of original suits disposed of by the tribunals of various classes during the year.

The annexed table shews the relative numbers of the principal classes of suits for the last four years :—

	1871.	1872.	1873.	1874.
Suits for money due on registered bonds	9,412	9,035	9,639	11,698
Do. do. unregistered do.	65,678	68,319	68,297	69,681
Do. do. unwritten promise	38,548	41,937	45,995	47,686
Do. do. on stated account	40,048	38,864	39,338	41,389
Do. do. paid or received	5,222	2,573	773	745
Do. for goods	7,771	6,277	5,785	6,087
Do. for breaches of contract	1,734	1,204	1,208	1,362
Do. for rent other than of land	2,083	2,259	2,135	2,469
Do. for recovery of personal property or value thereof	10,598	11,050	13,096	14,359
Do. for damages	2,643	2,814	2,511	2,417
Do. relating to marriage &c.	3,711	3,830	3,180	3,590
Do. do. to inheritance	3,137	3,813	5,165	4,345
Do. do. to revenue	4,182	5,043	5,712	5,402
Do. do. to mortgages of immovable property	2,707	2,722	3,154	3,757
Do. for partition of immovable property	1,577	1,524	1,035	830
Rent suits not under Punjab Tenancy Act	5,570	5,005	5,997	6,076
Suits under the Punjab Tenancy Act	3,285	2,465	1,863	2,140

28. About 9 per cent of the suits disposed of are suits connected with land.

29. The total number of suits for money due, which comprises the first six kinds of suits specified in the abstract, amounts to 1,77,279;

Suits for money due.

this is 4 per cent in excess of the number of the preceding year, and constitutes 75 per cent of the entire litigation.

Suits on bonds.

30. In suits on bonds registered and unregistered there is an increase of 4 per cent, the increase in the former class being 17 per cent, in the latter class being 1·9 per cent.

In Jullundur district the suits on registered bonds have more than doubled.

Suits for money other than on bond.

31. Suits of the next four classes may be conveniently taken together (the separate classification being too minute for accuracy) as suits for money due other than on bond; these have increased 3·4 per cent.

Suits for recovery of personal property.

32. Suits for the recovery of personal property or the value thereof have increased 7 per cent.

Suits for damages.

33. Suits for damages amounted in all to 2,403, being slightly less than the number in 1873.

Suits connected with marriage.

34. Suits connected with marriage numbered 3,590, or 11 per cent more than in the preceding year. Of these suits 39 per cent were in the Jullundur and Amritsar divisions.

Suits for inheritance.

35. Claims to inheritance have decreased 16 per cent; one-fourth of such suits are in the Gurdáspur district.

Suits relating to mortgage.

36. Suits relating to mortgage of immovable property have increased 16 per cent.

Suits under Punjab Tenancy Act.

37. There is an increase of 12 per cent in suits under the Punjab Tenancy Act.

The increase is most noticeable in suits for enhancement of rent, and suits for ejectment of tenants without rights of occupancy. In the Amritsar district suits for enhancement of rent rose from 28 to 135, in Rawálpindi from 7 to 59 and in Gurdáspur from 40 to 82.

The increase in this class of suits as well as in suits for ejectment is probably attributable to the increased value of land and to an increased knowledge of their rights on part of proprietors.

38. It must always be remembered that fluctuations in suits connected with land &c., are influenced by the extension or expansion of settlement operations.

39. The number of suits brought by shop-keepers and bankers against agriculturists was 82,106, being 7 per cent larger than the number of the preceding year.

Suits by shop-keepers against agriculturists.

These suits constituted 35 per cent of the entire litigation disposed of, and 46 per cent of suits for money due.

In Gujránwala they amounted to 76 per cent of the entire litigation, and in Kángra, Siálkot, Gurdáspur and Muzaffargarh to 50 per cent and upwards.

5.—AGENCY FOR DISPOSAL OF SUITS.

40. The following statement shews the manner in which the disposal of original suits was distributed among the various classes of judicial officers, the percentages of last year being added for comparison.

Number.	Officers.	ORIGINAL CASES DECIDED.			AVERAGE NUMBER OF CASES DECIDED BY OFFICERS OF EACH GRADE.	
		Number in 1874.	*Per-centages.*			
			1873.	1874.	1873.	1874.
32	Deputy Commissioners ...	331	0·2	0·1	13	10
64	Assistant Commissioners ...	13,316	6·9	5·6	239	208
21	Extra Assistant Commissioners (Europeans) ...	6,804	3·1	2·8	333	324
80	Do. ditto (Natives) ...	42,984	16·2	18·3	454	537
120	Tahsildars ...	70,692	31·5	30·1	583	589
119	Naib Tahsildars ...	44,957	20·0	19·1	376	377
49	Honorary Civil Judges ...	14,411	5·3	6·1	268	294
8	Judges of District Small Cause Courts ...	34,917	13·9	15·7	3,878	4,364
8	Ditto Cantonment ditto ...	6,428	2·8	2·2	772	803
	TOTAL ...	2,34,840	...	...	...	...

* Includes 1 case decided by Commissioner Rawalpindi division under section 12 of Act XXX of 1865.

41. The relative proportion in which suits are divided between European and native Judges remains unchanged, 27 per cent of the suits being disposed of by the former, 73 per cent by the latter.

Division of work between European and native agency.

The number of suits actually disposed of by either class have increased, for Europeans by 3 per cent, for natives by 6 per cent.

42. In the case of European Judges the increase has been borne entirely by Judges of Small Cause Courts ; Assistant Commissioners and European Extra Assistant Commissioners having disposed of a smaller share of civil work than in the preceding year.

Average number of cases disposed of by Assistant Commissioners and European Extra Assistant Commissioners.

It will be observed that the average number of cases disposed of by each Assistant Commissioner is 208, whereas the number disposed of by each European Extra Assistant in 324.

Native Extra Assistant Commissioners.

43. The proportion and actual amount of civil work disposed of by native Extra Assistant Commissioners has increased.

Tahsíl agency.

44. There is a slight decrease in the proportion of work performed by Tahsíl agency, but the actual amount remains unchanged.

The provincial per-centage of work so disposed of is 49.

In the following districts it was unusually high :—

Montgomery	...	...	... 85 per cent.
Dera Ghází Khán		...	.. 81 „
Gurgáon	...	...	... 77 „

The Commissioner Déráját considers that in the Dera Gházi Khán district more civil work should be done by the Assistant and Extra Assistant Commissioner at the sadr.

The average number of cases disposed of by each Tahsíldár and Naib Tahsíldár was highest in the Siálkot district, *viz.* 1,290.

Honorary Civil Judges.

45. The number of Honorary Civil Judges has increased by five, and a larger share of work has been performed by these officers.

The work of the Small Cause Courts will be noticed separately below.

6.—VALUE AND COST OF SUITS.

46. Details connected with the value and costs of suits will be seen from the annexed statement.

Valuation of suits.			Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.						Other suits.					
			Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.
						Rs. a. p.	Rs. a. p.					Rs. a. p.	Rs. a. p.	
Not exceeding Rs.		5	4 782	15,044	7.063	3 3 0	1 7 7	46·9	30,023	1,12,653	25.263	3 11 8	0 13 4	22·5
Do.	„	20	7,087	87,923	16,288	12 6 6	2 4 9	18·5	76,993	9,90,949	1,27,119	12 13 11	1 10 5	12 8
Do.	„	100	6,640	3,18,319	37.269	47 15 0	5 9 6	11·7	79,342	35,02,352	3.79,335	44 2 4	4 12 6	10·8
Do.	„	500	2,004	4,18,777	41.386	208 15 6	20 10 3	9·8	19.789	36,50,372	3,40.877	186 3 2	17 3 8	9·3
Do.	„	1,000	208	1,27,276	11.308	616 11 4	54 5 10	8·8	1,188	8,60,503	74,232	725 2 11	62 7 9	8·6
Do.	„	5,000	64	1,22,006	9,233	1.906 5 6	144 4 3	7·5	569	9,89,435	74,851	1,738 14 5	13 2 5	7 5
Do.	„	10,000	1	7,340	725	7.340 0 0	725 0 0	9·8	35	2,70,743	14,949	7,735 8 2	427 1 9	5·5
Do.	„	1,00,000	2	38,560	4,233	19,280 0 0	2,116 8 0	10·9	26	4,62,156	22,141	17,775 3 8	851 9 2	4·7
Exceeding	„	1,00,000	...	...	...	...	...	...	...	...	...	...	...	...
	Total	...	20.728	11,35,245	1,27,487	54 12 8	6 2 5	11·2	2,07,965	108,38,767	10,58,767	52 2 7	4 15 4	9·7

The value of suits arranged according to tribunals will be found in Imperial Return No. 7.

47. Cases re-admitted and disposed of a second time are excluded from this statement, which accounts for the difference in the number of suits disposed of as compared with the number shewn in the general statement of disposals.

48. More than half the suits connected with land are of a value not exceeding Rs. 20. The average value of land suits has increased from Rs. 51-14-8 to 54-12-8.

Of other suits more than half were of a value not exceeding Rs. 20, and were disposed of at an average cost of Rs. 1·7

There is nothing in the statement to call for special remark.

7.—Execution of Decrees.

49. The subjoined statement shows the course and result of the execution of decrees for the several districts during the year. The total for 1873 is added for comparison.

Districts.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed to the number disposed of.	Value of decrees put in execution.	Amount realized.		Per-centage realized.
									Voluntarily.	After issue or execution of coercive processes.	
Delhi	6,289	1,351	2,719	1,584	322	5,976	22	6,65,445	48,118	83,318	19
Gurgáon	1,914	693	637	371	57	1,758	39	1,25,969	1,693	43,289	35
Karnál	2,321	596	466	1,010	56	2,128	28	3,93,828	8,425	70,201	29
Hissár	1,811	374	311	551	26	1,262	29	1,17,194	4,739	27,450	28
Rohtak	2,277	869	348	368	30	2,115	41	1,69,199	15,058	32,996	27
Sirsa	961	314	144	335	34	827	38	1,13,279	6,610	10,518	15
Umballa	5,931	2,601	1,396	1,412	1	5,410	48	6,67,278	12,267	1,93,251	30
Ludhianah	5,349	1,513	1,699	1,716	...	4,928	30	3,19,493	12,220	76,421	27
Simla	1,919	450	426	871	86	1,833	24	1,50,919	5,033	31,924	24
Jullundur	10,476	2,592	2,607	4,009	251	9,462	27	7,27,318	27,115	1,04,754	18
Hoshiárpur ...	11,229	2,809	2,927	4,519	...	10,247	27	6,48,354	16,829	1,79,024	30
Kángra	3,066	1,478	673	731	...	2,882	51	1,29,823	6,596	45,038	39
Amritsar	8,970	2,560	1,909	3,175	137	7,781	32	7,25,484	37,522	1,64,669	27
Gurdaspur	6,315	2,271	1,306	1,576	...	5,153	44	4,38,241	2,666	1,27,770	29
Sialkot	10,401	3,499	3,017	2,499	...	9,015	38	3,37,351	3,344	2,64,938	79
Lahore	10,780	2,978	4,509	2,530	4	10,021	29	5,84,503	37,919	1,82,931	36
Ferozepore	5,671	1,510	2,093	1,553	...	5,186	29	3,56,961	10,709	85,951	27
Carried forward	95,180	2,180	27,687	28,810	1,007	86,584	...	66,70,633	2,57,863	17,24,353	...

District.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After issue or execution of coercive processes.	Per-centage realized.
Brought forward	95,180	28,490	27,687	28,810	1,007	86,584	...	66,70,633	2,55,863	17,24,353	...
Gujranwala ...	5,054	1,560	1,055	1,944	26	4,585	34	2,36,940	10,987	50,414	25
Rawalpindi ...	4,294	2,027	814	992	24	3,857	52	3,11,741	5,029	1,17,701	39
Jehlam	2,376	1,174	561	435	1	2,571	45	1,59,339	3,016	54,883	36
Gujrat	3,889	1,283	951	1,233	...	3,467	37	1,28,395	30,133	41,404	55
Shahpur	2,655	812	441	1,123	...	2,376	34	1,62,191	4,547	33,438	24
Mooltan	1,683	679	371	451	...	1,501	45	2,60,813	3,157	1,61,433	63
Jhang	1,955	759	359	720	...	1,838	41	1,04,841	10,659	30,479	29
Montgomery ...	1,784	472	247	951	...	1,673	28	1,61,309	2,053	20,553	14
Muzaffargarh ...	1,413	410	155	711	...	1,276	32	82,100	890	22,770	28
Bannu	1,501	946	203	259	...	1,408	67	90,514	14,807	32,248	51
Derah Ismail Khan ...	2,463	1,188	354	771	...	2,313	51	1,38,456	11,351	63,152	53
Derah Ghazi Khan ...	2,356	1,304	445	435	...	2,184	59	96,680	35,830	15,016	52
Peshawar	2,755	1 174	780	601	1	2,556	45	2,71,288	11,914	65,634	35
Hazara	1,150	363	314	320	...	997	36	43,536	5,593	8,759	32
Kohat	366	214	80	58	...	352	60	17,139	755	8,245	52
Total ... 1874	1,30,824	42,845	34,817	39,817	1,059	1,18,538	36	89,35,915	4,06,584	24,50,470	21
Total ... 1873	1,20,773	41,194	30,722	37,593	875	1,10,384	37	79,38,813	4,21,390	18,64,359	38

Imperial Return No. 10 gives the sum of this information arranged according to tribunals.

50. Of 1,30,824 applications for execution for disposal 1,18,538 were disposed of during the year.

Applications for execution, how disposed of.

They were disposed of as follows :—

Completely executed ... ... 36 per cent.

Partially executed ... ... 29 „

Struck off without any execution ... ... 33 „

and the rest were transferred.

The per-centage of applications completely executed is one less than in 1873.

Districts in which the proportion of applications completely executed was high.

51. In the following districts the per-centage was upwards of 50.

Bannú	67
Kohát	60
Dera Gházi Khán	59
Rawalpindí	52
Kángra	51
Dera Ismail Khán	51

The Deputy Commissioner of Rawalpindí has directed his subordinate courts to dispose of their execution work before taking up original cases.

The Deputy Commissioner of Kángra has paid special attention to the subject of execution of decrees.

The lowest proportion is, as last year, in the Dêlhi district, *viz.* 22.

Realisation.

52. The total amount for realisation was Rs. 89,35,915, of which Rs. 28,57,054 was realised.

It must be explained here that the realisations shewn include only realisations on account of money decrees, whereas in the amount for realisation is included the value of decrees for delivery of immovable and movable property. Thus the per-centage of realisations cannot be accurately ascertained. This defect will be remedied in future annual statements.

53. Of the amount realised Rs. 40,65,684 were paid voluntarily, and Rs. 24,50,470 were realised by coercive process. The proportion realised voluntarily is for the Province 14 per cent of the whole.

It is curious to observe that in the district of Dera Gházi Khán, the voluntary realisations largely exceed realisations by coercive process.

Realisation seems to have been very good in Siálkot and Mooltán; in the latter district this is explained to be due to realisations in certain large decrees against a particular contractor.

Coercive process. Arrest and imprisonment.

54. It appears that 7,533 warrants of arrest were issued during the year.

Of the persons for whom warrants of arrest issued, 978 were actually imprisoned. The mere issue of the warrant sufficed for the recovery of Rs. 1,51,817.

The 978 persons who were imprisoned were imprisoned for debts aggregating Rs. 1,47,590.

In Delhi, Simla and Amritsar the issue of a warrant of arrest is most common.

The greatest number of persons imprisoned during the year was—

194 in Amritsar.
85 in Peshawar.

In next year's returns will be shewn the average number of days during which persons are detained in imprisonment. It will be found that nearly all are under restraint only for such time as may enable them to understand that their creditor is in earnest.

The provisions of Sections 273 and 280 are widely notified.

Attachment and sale of property.

55. In 71,567 cases movable property was attached, in 13,874 of which sale was carried into effect.

There were 8,616 attachments of immovable property, and 5,965 sales.

Far more is realised by attachments of property than by sales of property: thus, by attachment of property, movable and immovable, Rs. 16,47,528 were realised, whereas by sales of property movable and immovable Rs. 6,21,005 were realised.

The Deputy Commissioner of Jullundur speaks of a practice which prevailed in his district, of attaching green crops at the expense of the judgment-debtor. This he has very properly put a stop to.

56. 424 cases occurred, under Sections 242 and 244 of Act VIII of 1859, of arrangement between creditor and judgment-debtor by temporary alienation of land or some similar means. Of these 114 were in Siálkot.

Average duration.

57. The average duration of execution of decree cases was 29 days.

58. The Commissioner Deraját notices a tendency in the courts of his division to order payment by instalments at the time of executing a decree without the consent of the decree-holder and in a manner not contemplated by law.

PART II.—SMALL CAUSE COURTS.

59. The following statement shews the business of the district Small Cause Courts during the year.

1	2	3	4	5	6	7	8	9	10	11		12	13
	Number of cases on the file.									Average duration of each case.			
Courts.	Pending from last year.	Instituted in 1874.	Re-admitted: Sections 110 and 119 Act VIII of 1859, and Sec. 21 of Act XI of 1865.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of year.	Contested.	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.	Number of cases in column 13 disposed of without municipal limits.
Delhi ...	67	4,327	33	4,427	1,103	2,004	1,268	4,375	52	5	4	384	677
Simla ...	10	1,694	...	1,704	271	561	857	1,689	15	8	5	1	...
Ludhiánah ...	58	2,526	51	2,635	566	1,030	974	2,570	65	12	10	541	1,839
Jullundur ...	219	7,071	110	7,400	2,550	2,118	2,578	7,240	154	14	12	4,705	6,114
Hushiárpur ...	145	5,701	...	5,846	1,465	2,428	1,673	5,566	280	17	14	2,173	686
Amritsar ...	225	6,029	64	6,318	2,277	1,796	1,992	6,065	253	16	14	838	2,782
Lahore ...	187	6,293	81	6,561	1,618	2,934	1,695	6,242	319	9	9	1,359	3,192
Peshâwar ...	27	1,310	27	1,364	271	503	477	1,311	53	13	9	348	757
Total ... 1874	938	34,951	666	36,255	10,116	13,434	11,514	35,064	1,191	12	8	10,349	16,047
Total ... 1873	1,034	30,964	...	31,998	8,965	11,818	10,243	31,026	972	11	10	...	17,521

60. Institutions have increased 11 per cent on the numbers of 1873, in which year there was a marked falling off, and are 1·9 per cent in advance of the institutions of 1872.

Increase in institutions.

The increase is apparent in all the Courts except Simla.

It is most marked in the Jullundur Court, where it amounts to nearly 34 per cent. This, as has been noticed above, is attributed mainly to change of Judges.

Increase greatest in Jullandur.

In Peshâwar the institutions, which had fallen so low last year, have increased 19 per cent, but still shew a falling off as compared with previous years. The only explanation offered of the general decrease is that in former years it was the practice to admit many suits which were not strictly speaking within the cognizance of a Small Cause Court.

Increase in Peshâwar.

The Additional Commissioner of Peshâwar is of opinion that the work of the Small Cause Court there should be conducted by some less special and expensive agency.

61. The total number of cases for disposal by Small Cause Courts was 36,255, of which 35,064 were disposed of during the year, and a balance of 1,191 remained pending at the close.

Cases for disposal and disposed of.

Of the number disposed of 11,514 or 32 per cent were contested.

Details of disposal need not be noticed further, as they have been included in the review of the disposals of the District Courts.

62. The average duration of contested cases is, for the province, 12 days—one day more than in the previous year.

Average duration.

The average duration in the Hoshiárpur Court is 17 days, or five days more than in 1873.

63. It may be observed that, of the suits disposed of, 29 per cent were brought by bankers or shop-keepers against agriculturists.

Suits by shop-keepers against agriculturists.

In 45 per cent the defendants resided outside the municipal limits.

The following statement shews the work performed by Cantonment Small Cause Courts, which calls for no further remark.

Cantonment Small Cause Courts.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Courts.	NUMBER OF CASES ON THE FILE.										AVERAGE DURATION OF EACH CASE.		
	Pending from last year.	Instituted in 1874.	Re-admitted under Sections 110 119, Act VIII of 1859.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of year.	Contested.	Uncontested.	General average duration.
Umbálla ...	3	1,434	20	...	1,457	436	658	370	1,464	23	7	8	8
Jullundur ...	5	429	10	...	444	85	194	157	436	8	10	7	8
Siálkot ...	43	764	...	...	807	230	413	152	795	12	16	8	9
Mián Mír ...	5	771	17	...	793	59	427	297	783	10	7	6	7
Ferozepore ...	4	917	...	...	921	178	568	169	915	6	6	2	3
Ráwalpindí ...	4	1,127	...	...	1,131	233	447	397	1,077	54	16	12	14
Mooltán ...	4	431	1	,,	436	93	221	120	434	2	8	4	5
Pesháwar ...	9	528	...	...	537	111	251	162	524	13	9	8	8
TOTAL ... 1874	77	6,431	48	...	6,556	1,425	3,179	1,824	6,428	128	11	7	8
TOTAL ... 1873	54	6,203	...	...	6,257	1,259	3,158	1,763	6,180	77	8	7	7

PART III.—APPELLATE COURTS.

64. Imperial Return No. 9 shews the business of the Civil Appellate Courts of the Punjab during the year.

Appeals in divisional and district Courts.

The following table gives the number of appeals preferred to the Courts of Deputy Commissioners and of Commissioners for each district of the Province.

DISTRICTS.	Original cases disposed of.	APPEALS.			Per-centage of appeals to cases disposed of.
		To Deputy Commissioners.	To Commissioners.	TOTAL.	
Delhi	7,727	116	214	330	4
Gurgáon	3,726	190	135	325	8
Karnál	3,388	68	169	237	7
Hissár	2,427	92	96	188	8
Rohtak	2,932	205	158	363	12
Sirsa	1,544	158	103	261	16
Umballa	10,281	345	425	770	7
Ludiánah	9,092	196	418	614	7
Simla	3,152	8	33	41	1
Jullúndur	15,032	589	362	951	6
Hoshiarpúr	18,993	608	776	1,384	7
Kángra	6,773	278	89	367	5
Amritsar	15,859	462	461	923	6
Gurdáspur	13,345	424	337	761	5
Siálkot	20,390	63	286	349	1
Lahore	15,753	216	367	583	3
Gujranwála	9,334	309	158	467	5
Ferozepore	9,224	374	288	662	7
Rawálpindi	9,182	334	184	518	5
Jhelam	5,310	388	161	549	10
Gujrát	6,896	164	218	382	5
Sháhpur	5,851	250	106	356	6
Mooltán	3,512	58	109	167	5
Jhang	4,737	82	78	160	3
Montgomery	3,854	129	84	213	5
Muzaffargarh	3,556	84	14	98	2
Bannú	3,792	86	95	181	4
Derah Ismail Khán	5,980	104	56	160	2
Derah Ghází Khán	5,560	105	25	130	2
Peshawar	4,620	128	45	173	3
Hazára	2,011	37	22	59	2
Kohát	1,007	16	12	28	2
TOTAL ...	2,30,649	6,666	6,084	12,750	5

65. The increase in the number of appeals upon the number of last year, of 2·9 per cent, is in keeping with the increase in original disposals.

Increase in institutions.

66. The proportion of appeals to cases disposed of is 5·5, the same that it has been for the last two years.

Proportion of appeals to cases disposed of.

Deducting cases disposed of by Small Cause Courts and cases disposed of without contest, the number of original cases in which an appeal would lie is reduced to 71,693.

Deducting from Commissioner's appeals (*viz.* col. 4) the number of appeals from orders passed in appeal by Deputy Commissioners (*viz.* 826), there remian 11,924 appeals from original decisions.

Thus the proportion of appeals from original appealable decisions is 16·6 per cent.

Proportion of appeals to original appealable decisions.

67. The number of appeals to Commissioners has increased 14 per cent, the number of appeals to Deputy Commissioners has decreased 5 per cent.

The proportion of appeals to cases disposed of was, as last year, highest in the districts of Sirsa, Rohtak and Jhelam.

1.—Appeals in Courts of Deputy Commissioners.

68. Including appeals pending from 1873 there were 7,157 appeals for disposal by Deputy Commissioners.

Appeals for disposal by Deputy Commissioners.

Of these, 6,741 were disposed of, leaving a pending balance of 416.

69. Disposals were as follows :—

How disposed of.

Dismissed by default	395
Confirmed	4,190
Modified	550
Reversed	1,193
Remanded for fresh trial under Section 351...	397
Transferred	16

70. Of the 4,190 cases in which the order of the lower Court was confirmed, in 1,226 notice was not issued to the respondent.

Appeals disposed of without issue of notice.

In Ludhiána, Hoshiárpur, Siálkot and Dera Ismail Khán the practice of disposing of an appeal without summoning the respondent, as provided in section 7 Act IX of 1873, is entirely neglected. In Kángra and Gurdáspur it is very sparely used.

On the other hand in Umballa 80 per cent, and in Jhelam 82 per cent, of the orders confirmed were confirmed without summoning the respondent.

In Jullundur, where the number of appeals is little less than in Hoshiárpur, more than half the orders confirmed were confirmed without issuing notice to respondent.

Per-centage of reversals.

71. The per-centage of reversals in all Deputy Commissioners' Courts is 17. It is high in the following districts :—

Gurgáon	32 per cent.
Hissár	31 „
Bannú	29 „
Sirsa	25 „

Per-centage of cases remanded under Section 351.

72. The per-centage of cases remanded for re-trial under Section 351 has now been reduced to 5·8 per cent.

In Ludhiána, Mooltán and Derah Ismail Khán the proportion of cases so remanded is over 10 per cent.

The Deputy Commissioner of Jullundur observes that, if the lower courts were careful to examine parties before drawing issues, such remands would be less frequently necessary.

The Deputy Commissioner Muzaffargarh considers that in the revised Civil Procedure Code, the conditions of a remand for re-trial might be enlarged with advantage.

73. The per-centage of cases remanded for further enquiry before disposal was 11.

Average duration.

74. The average duration of appeals was the same as last year, *viz.* 27 days.

The high average duration in Kohát of 93 is explained to be due to the postponement of certain cases during Deputy Commissioner's prolonged absence in camp.

The average duration of 70 days in Hoshiárpur is attributed by the Commissioner Jullundur to the practice of issuing a notice on the respondent in every case.

Appeals appear to be promptly disposed of in Gurdáspur, Jhelam, Jhang and Muzaffargarh.

In Amritsar the average duration has been reduced from 87 to 44 days.

Value and costs of appeals.

75. The value and costs of appeals disposed of by Deputy Commissioners are shown in the subjoined table :—

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Per-centage of costs to value.
Not exceeding Rupees 5	823	2,808	1,114	3	6	7	1	5	8	39·67
Ditto. 20	2,148	27,733	4,523	12	14	7	2	1	8	16·23
Ditto. 100	2,981	1,46,105	15,111	49	0	2	5	2	8	10·31
Ditto. 500	661	1,23,634	10,815	184	0	3	16	5	9	8·74
Total ...	6,613	3,00,230	31,563	45	6	6	4	12	4	10·51

In addition to the above there were 225 appeals in suits of which the value cannot be fixed. The costs of these appeals amounted to Rs. 2,028, or Rs. 9 each.

76. The greatest number of appeals are in suits of a value of from Rs. 20 to 100.

In Hoshiárpur there were 132 appeals in cases of which the value did not exceed Rs. 5.

2.—Appeals to Commissioners.

77. The following table shows in detail the result of appeals to Courts of Commissioners :—

Divisions.	Number of appeals for disposal.	Number disposed of.	*Appeals withdrawn, transferred or struck off for default.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded under Section 351.*	
			Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi	570	551	43	7·8	300	54·4	12	2·1	175	31·7	21	3·8
Hissár	370	348	22	6·3	192	55·1	33	9·4	60	17·2	41	11·7
Umballa	1,087	873	46	5·2	624	71·4	31	3·5	158	18·0	12	1·3
Jullundur	1,502	808	57	7·0	521	64·4	80	9·9	95	11·7	55	6·8
Amritsar	1,673	783	60	8·8	508	64·8	44	5·6	111	14·1	51	6·5
Lahore	843	753	2	0·2	550	73·0	26	3·4	171	22·7	4	0·5
Ráwalpindi	740	684	77	11·2	468	68·5	31	4·5	78	11·4	29	4·2
Moultán	301	299	...	...	204	68·1	24	8·0	64	21·4	7	2·3
Deraját	189	183	10	5·7	124	67·7	17	9·0	28	15·0	4	2·1
Peshawar	91	88	...	...	51	57·9	15	17·0	15	17·0	6	6·8
Total ...	7,369	5,370	326	6·0	3,542	65·9	313	5·8	955	17·7	230	4·2

78. Of the appeals for disposal 6,407 were from original decisions, and 962 from orders passed in appeal by Deputy Commissioners.

First and second appeals.

79. Of the orders confirmed (3,542) 313 were confirmed without issuing notice to respondent. This is only 8·8 per cent. In Courts of Deputy Commissioners the per-centage was 28.

Orders confirmed without issue of notice.

In Lahore out of 550 orders confirmed, not one was confirmed *ex-parte*.

Details of disposal are sufficiently shewn in the statement and call for no further remark.

80. The average duration of appeals for all Commissioners' Courts is 77 days. This is higher than it should be, and is due to the excessive time taken in the disposal of appeals in the Amritsar and partly also the Jullundur division.

Average duration.

In the former the average duration is 233 days, in the latter 142 days.

Duration in Amritsar and Jullundur.

Excluding these two divisions the average duration is 37 days.

Special provision has been made during the past year to meet the press of appellate work in the two divisions referred to, and an improvement may be looked for in the present year.

81. The pending file of all Commissioners' Courts at the close of the year amounted to 1,999, of which 890 were pending in Amritsar and 694 in Jullundur.

Pending file.

The pending file in the Umballa division, in which, next to Amritsar and Jullundur, the appellate work is heaviest, amounts to 214.

In Amritsar there were 592 appeals pending over four months, and in Jullundur 384.

The oldest case pending was instituted in the Amritsar Court on 3rd July 1873, and has been returned for further investigation.

28. The value and cost of appeals in Commissioners' Courts will be seen from the annexed table :—

Value and cost of appeals.

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Per-centage of cost to value.
Not exceeding Rupees ... 5	333	1,129	907	3 3 3	2 11 6	80·0
" " ... 20	867	11,725	2,948	13 8 4	3 6 5	25·1
" " ... 100	2,238	1,08,485	15,400	47 7 7	6 14 1	14·1
" " ... 500	1,150	2,98,857	27,827	206 1 9	19 3 ...	9·3
" " ... 1,000	223	1,47,311	13,097	660 9 4	58 11 8	8·8
" " ... 5,000	136	2,59,453	19,540	1,172 4 9	136 5 ...	7·5
" " ... 10,000	10	1,28,458	2,059	12,845 12 9	205 14 4	1·6
" " ... 1,00,000	8	2,16,325	6,178	27,040 10 ...	772 4 ...	2·8
Appeals for which no value can be fixed,	102	...	360	... ...	3 8 5	...
TOTAL ...	5,367	11,71,743	88,316	218 4 10	16 7 3	7·5

Appeals in cases of value under Rs. 5 have increased 33 per cent.

3.—APPEALS IN CHIEF COURT.

83. 1,745 appeals were instituted in the Chief Court during the year, being 9·1 per cent in excess of the number instituted in the previous year. Of these 493 were regular appeals and 1,252 were special appeals. The increase is in both kinds of appeals.

Institutions.

Regular and Special.

84. Including appeals pending from previous year, there were for disposal 2,092 cases, as compared with 1,747 in 1873.

Appeals for disposal.

These were disposed of as follows :—

How disposed of.

Transferred	14
Dismissed for default	78
Rejected at preliminary hearing	757
Orders confirmed	524
Do. modified	32
Reversed	172
Remanded	130

This makes a total disposed of 1,707, or 17 per cent more than in the previous year. 385 remained pending at the end of the year.

Of the number disposed of 24 were returned for further enquiry, before disposal.

Appeals in land cases.

85. Of the appeals disposed of, 582 were appeals in suits connected with land, being 33 per cent of the total, the same proportion as last year.

The largest number of appeals came from the Jullundur and Lahore divisions.

Value of appeals.

86. The average value of appeals in suits other than those connected with land has slightly diminished, from Rs. 184 in 1873 to Rs 163 in the present year. The average value in appeals connected with land on the other hand has increased from Rs. 131 to 208.

Average duration.

87. The average duration of civil appeals was 40 days.

88. Besides the appellate work the following cases and petitions were disposed of :—

Original cases	16
Cases under Section 35, Act XXIII of 1861	136
Cases under Section 16, Act IV of 1865	86
References from district and Cantonment Small Cause Courts as well as district and divisional Courts	22
Petitions for removal and transfer of suits and appeals,	21
Miscellaneous cases and petitions	640
	805

PART IV.—PROCEDURE.

Summons for final disposal.

89. The question of the issue of summons for final disposal is very generally noticed in the reports.

A few officers bear favorable testimony to the practice. Thus the Deputy Commissioner of Ludhiána remarks that the system is very popular with all classes and works satisfactorily, but on the whole the weight of opinion is on the other side.

It is generally asserted that the practice is ill-adapted for suits against agriculturists, which form the bulk of the money litigation of the province.

The Deputy Commissioner, Lahore, remarks that summons for final disposal was issued in 1,740 cases, exclusive of cases in the Small Cause Court, and that 1,286 of these were disposed of on the day fixed for hearing; this speaks favorably for the system.

The instructions of this Court contained in the Report of 1872 do not appear to have been sufficiently acted up to.

Time allowed to defendant to appear and answer.

90. Due attention seems to be paid to the instructions recently issued that sufficient time be allowed to the defendant for appearing and answering the claim made against him.

Cause-lists and adjournments.

91. The attention of the Courts was directed to the importance of keeping up cause-lists, and of carefully intimating adjournments to the parties in the suit, in a Circular Memo. issued upon Mr. Justice Lindsay's return from his inspection tour in 1873-74.

The reports seem to shew some improvement in these respects. The practice of noting each adjournment and date and place fixed for hearing on a slip of paper, which is kept by the suitor, is more generally carried out than heretofore.

That there is still room for improvement, both in the matter of keeping up cause-lists and of keeping parties informed of adjournments, is however apparent from the reports.

Payment of expenses to witnesses.

92. The payment of expenses to witnesses, as prescribed in Section 151, Act VIII of 1859, is very generally attended to. In Hoshiárpur the money is sent by the hand of the process-server and paid to the witness with the process. The Commissioner Jullundur disapproves of this plan, and considers that the Court should pay it in its own presence.

In Amritsar too a similar practice has been introduced, with the additional precaution that the fact of receipt is attested by the Court before the witness is discharged.

In Derah Gházi Khán expenses of witnesses are rarely paid, because the law is not generally known and people do not apply for them. The Deputy Commissioner overlooks the fact that it rests with the Court to cause payment of reasonable expenses to be made whether applied for or not.

The average sum paid to witnesses in Lahore was as high as 10 annas. This is explained to be due to the number of witnesses summoned from other districts.

93. Several reports speak of improvement in the matter of the issue of commissions for local investigation; but in the districts of Jullundur, Hoshiárpur, Amritsar and Sháhpur the law seems to be still much abused, to the discredit of our Courts.

Commissions for local investigation.

The issue of a commission in cases where it is quite uncalled for—the unfitness for the office of the person selected as commissioner—the appointment of two or more persons as joint-commissioners—the frequent issue of commissions to the same individual—and the founding of the decision merely on the report of the commissioner—are some of the points mentioned as those in which the abuse of this law prevails.

The Deputy Commissioner of Hoshiárpur is taking measures to check the evils of the system in his district.

94. A majority of officers who notice the subject consider that the recording of evidence and the preparing of judgment before delivering it are properly attended to; but some, whose opinion is entitled to weight, consider that as long as moharrirs take down the depositions in full, and the Judge merely makes an abstract, the abstract will not, as a rule, be made by native Judges "as the examination of each witness proceeds."

Recording of evidence.

95. The Deputy Commissioner Amritsar notices that several native Judges do not write judgments according to law, that is, according to Section 185 Act VIII of 1859. From appeals that not unfrequently come before the Chief Court, it would appear that the omission to do so is not confined to native Courts.

Writing of judgments.

96. Further points of procedure in which the practice of the Courts is said to be frequently defective are briefly noted:

Further points in which procedure is defective.

The examination of parties before framing of issues, so as to ascertain the exact points of dispute is not sufficiently carried out.

Courts do not determine at the time of issuing the summons upon defendant, whether it shall be for settlement of issues or for final disposal.

In cases referred to arbitration issues are constantly not clearly drawn, nor is proper provision made for difference of opinion in the order of reference to arbitration.

I have, &c.,

E. H. HARRISON,

Offg. Registrar, Chief Court, Punjáb.

NO. 6.

IMPERIAL RETURNS.

STATEMENT OF ORIGINAL CIVIL SUITS.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL CIVIL

YEAR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	MONEY DUE.									SUITS FOR DAMAGES.						
COURTS.	*On written promise for sum certain.*															
	Registered.	Unregistered.	On written promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in above.	Suits for rent other than of land.	Recovery of personal property, or the value thereof.	For injuries to the person.	For injures to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contract.	Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Small Cause Courts ...	1,608	18,100	8,196	4,604	307	4,540	1,092	1,106	1,717	14	205	...	16	...	...	...
Unpaid Local Tribunals. (*Honorary Civil Judges*)	527	4,557	3,681	2,869	49	139	39	53	923	2	50	51	35	5	5	...
Paid Sub-Divisional Tribunals. (*Tahsildars and Naib-Tahsildars*) ...	4,719	30,280	25,958	24,524	220	883	105	818	8,384	28	581	182	407	183	15	15
District Courts other than Chief Courts of Districts. (*Asst. and Extra Asst. Commissioners.*)	4,810	16,679	9,815	9,339	165	525	123	491	3,324	24	417	257	140	154	69	36
Chief Courts of Districts. (*Deputy Commissioners*)	24	55	36	53	4	...	3	1	11	...	1	4	2	5	...	...
Superior Court of General Jurisdiction. (*Chief Court*)	...	13	...	...	...	...	...	...	...	...	...	...	1	...	...	...
Total ...	11,688	69,684	47,686	41,389	745	6,087	1,362	2,469	14,359	68	1,254	494	601	347	89	51

No. 6.

1	38	39	40	41	42	43	44	45	46	47	48
	CLAIM IN RIGHT OF INHERITANCE			SUITS FOR PARTITION OF IMMOVABLE PROPERTY.				RENT SUITS, NOT BEING PANJAB TENANCY			
COURTS.	Land only.	Other property.	Suits regarding the relative right of superior and inferior holder of land (other than rent suits).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to, real property not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits of recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against Agents, &c.
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...
Unpaid Local Tribunals. (*Honorary Civil Judges.*)	18	9	66	22	5	4	269	124	14	...	...
Paid Sub-Divisional Tribunals (*Tahsildars and Naib-Tahsildars.*)	284	89	625	121	158	83	2,815	3,114	989	65	26
Districts Courts other than Chief Courts of Districts (*Asst. and Extra Asst. Commissioners.*)	480	168	227	315	205	37	3,300	900	276	20	29
Chief Courts of Districts (*Deputy Commissioners.*)	7	...	3	...	4	...	13	6	1	1	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	...	...	...	...	...	...	...
Total ...	789	266	921	458	372	124	6,397	4,144	1,280	86	55

6.

SUITS DISPOSED OF IN THE DISTRICTS OF THE PANJAB DURING THE 1874.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments	SUITS RELATING TO MARRIAGE, DOWER AND DIVORCE.			Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to establish or declare personal rights.	Suits to establish or contest wills	CLAIM TO INHERITANCE.						Suits to establish or contest acts of Hindu widows.	Suits relating to the revenue.	SUITS RELATING TO MORTGAGE OF IMMOVABLE PROPERTY.	
			Suits connected with betrothal.	Suits for custody of wives.	Other suits.					*Under Muhammadan Law.*		*Under Hindu Law.*		*Under any other law*					
										Land only	Other property.	Land only.	Other property.	Land only.	Other property.			Land only	Other property.
...	...	..	...	...	...	..	...	...	...	...	...	...	.	...		...	..	...	...
28	...	..	141	44	5	1	...	12	...	...	7	68	2	187	75		171	63	33
184	5	10	448	24	49	7	22	128	8	122	41	180	25	1,068	358	12	3,840	985	872
355	7	53	1,153	1,459	197	38	12	221	7	274	87	150	87	1,287	306	20	1,384	1,308	794
8	...	1	40	30	2	..	4	3	1	2	...	...	7	8	4	...	4	6	1
...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...
570	12	64	1,777	1,557	256	46	38	359	16	398	135	398	121	2,550	743	32	5,402	2,357	1,400

concluded.

49	50	51	52	53	54	55	56	57	58	59	60	61	62
SUITS UNDER THE ACT,		SUITS UNDER THE PANJAB TENANCY ACT.											
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Panjab Tenancy Act.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 6 on other grounds than those mentioned in the previous sections of the Act.	Suits under Section 6 by landlord for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, Clause 1)	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, Clause 1.)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.
...	...	...	...	...	...	...	...	...	...	...	...	...	...
20	1	13	...	1	2	...	...	...	...	..	8	...	5
23	391	216	56	14	78	2	..	...	9	51	234	40	151
32	40	368	76	119	297	2	...	4	48	67	95	45	132
...	1	3	...	...	...	...	...	...	...	...	1	...	3
...	...	...	...	...	...	...	...	...	...	...	...	...	...
75	436	600	132	134	377	4	...	4	57	118	338	85	291

No. 7.

STATEMENT SHEWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1874.

1	2	3	4	5	6	7	8
VALUE OF SUITS.	Number of Suits Disposed of in Different Courts.						
	Small Cause Courts.	Unpaid Local Tribunals (*Honorary Civil Judges*).	Paid Sub-Divisional Tribunals (*Tahsíldars and Naib-Tahsíldars*).	District Courts (other than Chief Courts of Districts.) (*Assistant and Extra Assistant Commissioners.*)	Chief Courts of Districts (*Deputy Commissioners.*)	Chief Court of Province.	Total value of suits.
	Land. / Other.	Land. / Other.	Land. / Other.	Land. / Other.	Land. / Other.		Land. / Other.
Not exceeding Rs. 5	... / 6,438	164 / 1,841	2,835 / 17,776	1,721 / 3,959	2 / 9	...	15,044 / 1,12,051
Do. 20	... / 15,862	218 / 5,621	4,208 / 42,179	2,639 / 13,323	8 / 22	...	87,923 / 9,90,949
Do. 100	... / 15,076	210 / 5,178	3,193 / 36,405	3,225 / 22,784	12 / 78	2	3,18,319 / 35,02,649
Do. 500	... / 3,629	39 / 774	596 / 5,386	1,356 / 9,761	13 / 60	1	4,18,777 / 36,50,490
Do. 1,000	... / ...	12 / 15	... / ...	193 / 1,141	3 / 32	4	1,27,276 / 8,62,802
Do. 5,000	... / ...	... / 1	2 / 35	59 / 515	3 / 18	5	1,22,006 / 10,03,947
Do. 10,000	... / ...	... / ...	... / ...	1 / 27	... / 8	2	7,340 / 2,85,801
Do. 1,00,000	... / ...	... / ...	... / ...	... / 2	2 / 24	1	38,560 / 5,04,155
Exceeding ... 1,00,000	... / ...	... / ...	... / ...	... / ...	... / ...	...	... / ...
TOTAL	... / 41,005	643 / 13,430	10,834 / 1,01,781	9,194 / 51,512	43 / 251	15	11,35,245 / 1,09,12,844

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1874.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of Cases on the File.				Disposed of without Decree.				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
Class of Courts.	Suits remaining from last year.	Filed in 1874.	Received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	1,016	41,259	413	42,688	6	6,854	161	4,515	5,474	7,232	3,806	75	9,838	3,384	288	41,345	1,343	...	...	426	11	14
Unpaid Local Tribunals (*Honorary Civil Judges*). ...	555	13,902	492	14,949	...	2,289	136	1,328	1,299	3,071	950	90	4,061	1,187	433	14,411	538	12	1	34	25	14
Paid Sub-Divisional Tribunals (*Tahsildars and Naib-Tahsildars*). ...	4,054	1,13,125	3,377	1,20,556	140	20,025	1,323	96,668	10,395	20,503	7,035	1,075	27,719	10,766	2,082	1,15,649	4,907	144	7	1,491	22	15
District Courts other than Chief Courts of Districts (*Assistant and Extra Assistant Commissioners*). ...	4,407	62,009	2,046	68,462	35	11,541	910	5,461	4,017	8,490	4,358	404	18,508	9,379	1,410	63,104	5,358	322	29	1,459	33	21
Chief Courts of Districts (*Deputy Commissioners*). ...	15	338	5	358	4	31	5	20	23	26	27	2	132	61	22	331	27	2	5	61	32	20
Superior Court of General Jurisdiction (*Chief Court*) ...	3	17	...	20	...	...	...	1	...	...	...	...	13	3	...	17	3	...	2	1	127	40
Total ...	10,050	2,30,649	6,333	2,47,033	185	40,741	2,535	27,993	21,208	39,322	16,176	1,646	60,271	24,780	† 4,235	2,34,857	12,176	480	44	3,472	24	15

* Cases re-admitted under Section 119 Act VIII of 1857, have been included in Column 4.

† Cases referred to arbitration (Column 16) have been included in Columns, 14, 15 and 17.

NO. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PANJAB DURING THE YEAR 1874.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.						Heard ex-parte.			Contested.										
Class of Courts.	Remaining from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default or under Section 5 or 6 Act XXIII of 1871.	Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at end of year.	Over two months.	Over four months.	Average duration.	Objections under Section 348 of Act VIII of 1859	Objections allowed.
Appellate Courts other than Chief Courts of Districts ... ... (*Assistant Commissioners.*)	...	10	...	10	...	2	...	...	...	5	1	1	1	10	...	...	...	18	...	...
Chief appellate Courts of Districts ... (*Deputy Commissioners.*)	490	6,656	1	7,147	16	396	1,226	24	29	2,959	525	1,163	396	6,731	416	33	3	25	1	...
Total ...	490	6,666	1	7157	16	395	1,226	24	29	2,964	526	1,164	397	6,741	416	33	3	21	1	...
Superior Appellate Courts (*Commissioners*)	602	4,310	9	4,921	3	280	360	14	21	2,441	208	752	148	4,230	691	94	220	70	6	3
Additional Commissioners	624	1,824	...	2,448	...	46	53	...	2	685	91	181	82	1,140	1,308	201	792		...	...
Total ...	1,226	6,134	9	7,369	3	326	413	14	23	3,129	299	933	230	5,370	1,999	295	1,012	70	6	3
Chief Court of Province ... Regular	152	493	8	653	6	18	107	...	...	196	18	118	17	480	172	47	60	40	...	...
Chief Court of Province ... Special	183	1,252	4	1,439	8	60	650	...	...	328	14	54	113	1,227	213	74	50		...	...
Total ...	335	1,745	12	2,092	14	78	757	...	...	524	32	172	130	1,707	385	121	110	40	...	...
Grand Total ...	2,051	14,545	22	16,618	33	799	2,396	38	52	6,617	857	2,269	757	13,818	2,800	449	1,125	...	7	3

NO. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1874.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Class of Courts.	Applications to Execute Decrees.											Nature and number of coercive processes issued.					
	Pending.	Filed.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	Number of cases in which specific performance was enforced.	Arrest of person.	*Movable property.* Attached.	*Movable property.* Sold.	*Immovable property.* Attached.	*Immovable property.* Sold.	Orders under Section 243 of Act VIII of 1859.
Small Cause Courts	798	26,969	15	27,782	5,821	11,345	8,932	489	26,587	1,195	471	3,385	10,740	2,369	...	...	...
Unpaid Local Tribunals... ... ... *(Honorary Civil Judges).*	525	5,643	2	6,170	2,399	1,360	1,803	1	5,563	607	17	69	2,406	396	476	139	6
Paid Sub-divisional Tribunals ... ... *(Tahsildárs and Náib-Tahsildárs).*	5,182	53,405	236	58,830	22,715	14,347	15,994	210	53,266	5,564	348	2,429	24,046	5,616	2,688	818	109
District Courts other than chief Courts of Districts, *(Assistant and Extra Assistant Commissioners).*	3,827	33,551	307	37,685	11,788	7,704	12,945	348	32,785	4,900	530	1,728	13,498	3,512	2,507	830	308
Chief Courts of Districts ... ... *(Deputy Commissioners).*	38	313	6	357	122	61	143	11	337	20	12	22	101	28	35	25	1
Total ... 1873	9,930	83,969	*26,874	1,20,773	41,194	30,722	37,593	875	1,10,384	10,389	1,466	6,107	40,262	8,254	5,189	1,362	37
Total ... 1874	10,377	1,19,881	566	1,30,824	42,845	34,817	39,817	1,059	1,18,538	12,286	1,378	7,633	50,764	11,921	5,706	1,812	424

* These figures include 26,165 readmitted cases. In the year under report they are shown with institutions.

Proceedings of the Honorable the Lieutenant-Governor of the Punjab in the Home Department,—No. 2791, dated 26th July 1875.

READ—

Annual Report on Civil Justice for the Year 1874, furnished by the Registrar of the Chief Court,—dated 15th May 1875, received in a printed form on the 18th June 1875.

REMARKS.—The number of original suits instituted in the courts of the Punjab during the year 1874 was 230,649, an increase of 8,774, or 3·8 per cent. on the preceding year.

2. Although this is the largest number of suits as yet reached, the ratio of increase is not large, and it will be seen from the following figures that during the last four years the fluctuations in litigation have been slight :—

Year.	Number of Institutions.
1871	218,925
1872	217,976
1873	221,855
1874	230,649

The rate of increase indeed has been latterly less than in the North-Western Provinces, as will be seen from the subjoined statistics :—

Ratio of Increase or Decrease of Institutions.

Year.	In the Punjab.	In the North-Western Provinces.
1872 ...	— ·4	+ 6·7
1873 ...	+ 1·8	+ 2·5

And it is further to be noted that, though the number of civil suits is greater in proportion to population in the Punjab than in the North Western Provinces, the *value* is far less ; for whereas in the former the amount under litigation falls at the rate of 9 annas per head of population, in the latter the rate is 11 annas.

3. In his review of the report for 1871, the Lieutenant-Governor fully considered the causes which had influenced the increase of suits from 145,193 in 1862 to 218,354 in 1871, and he sees no reason to change the opinion then expressed that it was due to the general development of wealth combined with the facilities given by legislation and by the organization of the civil courts for the cheap and expeditious adjudication of claims. The subsequent figures indicate the continuance, though at a slower rate, of the tendency to increase. The sum of the total litigation is undoubtedly high if comparison be made with other provinces in India. During the past four years, however, it has co-existed with a marked degree of general prosperity, and the Lieutenant-Governor is himself under no apprehension that it is likely to engender social or political evil.

4. If, indeed, it be allowable to compare the statistics of litigation in the Punjab with those in England, it may be inferred that the former cannot be regarded as excessive. In the Punjab in 1874 the number of civil suits in proportion to population was 1 to 82 persons ; in England it averages 1 to 20,—in other words the litigation of unlitigious England is upwards of four times as great as in this Province. But this is not all ; it has also to be remembered—

(1). that the period of limitation in debt suits in England is much longer than in India ;

(2). that in England numerous claims are adjusted without coming into court by means of lawyers' letters ;

(3). that in England credit on personal security is less freely given than in the Punjab, where there is a banker in every village.

It is not too much to assert that if the law of limitation in England were the same as that of India, and the facilities for obtaining cash or goods on credit equal in both countries, the number of civil suits in the former would probably be more than doubled.

5. From the above it appears to the Honorable the Lieutenant-Governor reasonable to infer that the number of civil suits in the Punjab is *prima facie* by no means excessive, but on the contrary *smaller* than might fairly have been expected ; and it follows that, as the proportion of civil suits to population is unduly small, a moderate tendency to increase must be considered *prima facie* satisfactory.

6. But before arriving at a final conclusion it is necessary to consider Punjab litigation in other aspects and enquire whether there is anything in the statistics to indicate that the people are impoverished or hopelessly in the hands of creditors, or that land is passing wholesale by decree of court from its old proprietors to the money-lending class, or that the people are demoralized, or that the landlord is oppressing the tenant, or the tenantry leagued against their landlords.

7. As for litigation being the result of impoverishment or hopeless indebtedness, it will be found as a rule that in those districts known to be most prosperous and wealthy there the number of suits is greatest in proportion to population ; that in 1874 every district in which there was a marked *increase* in the number of suits, *viz.*, Jullundur, Gurdáspur, Jhelum, Hazára and Gurgaon, are known to have been especially well off, and while those districts where a substantial decrease is observable (omitting districts where special causes were at work, such as transfer of suits to the Settlement Department) are known to have suffered from unfavorable seasons. Again it will be seen that the bulk of the litigation is for sums so small as to exclude the idea of any wide-spread insolvency of debtors ; of the entire number of suits disposed of (234,849) only 1,938 exceed Rs. 500 in value, and no less than 118,000 were for sums of less than Rs. 20.

The statistics of executions of decrees lead to the same conclusion ; compared with the number of decrees passed, and the number of applications for execution, the proportion of cases in which the severer forms of coercive process had to be resorted to was small ; sale of goods was rarely necessary, *i. e.*, in about 1 case out of 15 ; sale of house property still more exceptional, while owing to the legal restrictions in force in the Punjab sale of ancestral lands and dwelling houses of agriculturists was practically unknown. While there were 130,840 applications for execution, in 13,874 cases only was sale of goods resorted to ; in 5,965 cases only was immoveable property (chiefly house property) disposed of ; and though 7,533 warrants for arrest were issued, in 978 cases only was detention of defendant necessary ; for, as a rule, directly the arrested debtor saw the creditor was in earnest the claim was settled.

8. Again with regard to demoralization said to be engendered by resort to law, it appears that of the total number of suits for disposal amounting (with readmitted cases) to 247,013 cases, no less than 64 per cent. were disposed of without contest ; in other words, that the bulk of the litigation was not of a litigious character, the assistance of the court being applied for not so much for the purpose of adjudicating disputes as of expediting or securing the adjustment of admitted claims ; the mass of the litigation was of the simplest character, chiefly claims on account of money due on bond or on account stated ; suits for breach of contract, trespass, damages were remarkably few in number ; suits raising points of law were rare ; suits for rent affected only 1 proprietor in 334, and suits under the Punjab Tenancy Act 1 proprietor in 930.

9. Finally, the last annual report of Lieutenant-Colonel Minchin, Superintendent of the now flourishing State of Baháwalpur, where a system of civil justice similar to our own has been introduced within the last few years, may be quoted in proof of the popular appreciation of the benefits to be derived from cheap and accessible courts: contrasting the days of the Nawab's administration, when there were no civil courts, with the present time, he says :—

"The agricultural classes, if they required money for the purchase of cattle, seed, presents for their families, gifts for mirásis, &c., had to give material guarantees either in land or jewels before they could obtain the loan. The civil courts now give the zamindárs the necessary security, and they can raise money at rates of interests formerly impossible, and are no longer required to mortgage their lands and jewels."

Again—

"The introduction of the civil courts has been a great boon to the agricultural classes, and the closing of the courts would be an enforced return to payments in kind, deterioration of the canals from inability to get them properly cleared, lands thrown out of cultivation for want of capital, poor crops from inability to purchase good seed, stagnation of trade, and a speedy return to the state of affairs prevalent [illegible] I first took charge of the State."

10. Upon the whole then His Honor thinks he is justified in adhering to the conclusion that, whether regard be had to the number of suits in proportion to population, the coercive measures necessary for realization, the value of claims, or the character of the litigation, there is not only no ground for apprehension, but on the contrary good reason for accepting the statistics as in the main satisfactory and indicative of healthy progress, of continued prosperity and increased confidence in the courts. That what is really required is not to repress resort to law, but to provide greater facilities for the disposal of small debt suits; and *this* will, it is hoped, be in some degree effected by the measure recently sanctioned for strengthening the judicial agency of the province.

11. With regard to the disposal of suits, it appears that out of a file of 247,013 cases all but 12,173 were disposed of during the year at an average duration of 24 days in contested and 15 days in uncontested cases. In Small Cause Courts the average duration was 12 days in contested and 8 in uncontested cases. These averages are as low as can be wished.

12. The proportion of cases dismissed by default (17 per cent., of which 12·7 per cent. were restored to the file on application) was generally moderate, but was high in the districts of Muzaffargarh and Amritsar, being respectively 27 and 26 per cent. of cases disposed of. If, indeed, it be the fact, as surmised by the Deputy Commissioner of Muzaffargarh, that the cases dismissed in default were amicably settled out of court, the result would not be unsatisfactory; but His Honor observes that the districts conspicuous for dismissals in default are also conspicuous for protracted duration of cases, and the fact raises a suspicion that many of these "amicable" settlements were forced on suitors by the hopelessness of a speedy adjudication.

13. Decisions *ex parte* amounted to 7 per cent. of cases decided, a proportion which cannot be regarded as excessive.

14. From the paragraphs relating to the agency for the disposal of suits, it appears that 27 per cent. were disposed of by European and 73 by Native agency, and that in reference to the latter in not a few districts the Tahsíldárs were overwhelmed with judicial work, a proof how urgently the new arrangements are called for whereby Tahsíldárs will be relieved to a large extent of the amount of judicial business at present devolving upon them.

15. From the appeal statements it appears that appeals amounted to 5·5 per cent. only of cases disposed of, and 16·6 per cent. only of contested cases, a proof that the privilege of appeal—a privilege highly valued by the people—is not upon the whole abused. The average duration was in appeals to Deputy Commissioners 27 days, and appeals in Commissioners' courts 77 days. The average duration in the latter courts is excessive; and the Lieutenant-Governor observes with concern that in the Amritsar Division it amounted to no less than 233 days and in the Jullundur Division to 142 days, while the pend-

ing file in the courts of these divisions amounted to 890 and 694 cases respectively. His Honor trusts that the special measure referred to in the report will have the effect of reducing the appeal files of these divisions to a moderate number ; but, judging from the returns of the last quarter, His Honor fears that so much progress has not been made as was expected, and explanation has been called for.

There appears to have been a considerable increase in the number of appeals in the Chief Court. In all there were 2,692 cases for disposal, of which 1,707 were decided, leaving 385 pending at the end of the year. The file pending was somewhat large, and the Lieutenant-Governor trusts that it will be possible, during the present year, to reduce it to more reasonable dimensions.

16. In conclusion, the Lieutenant-Governor is glad to notice from the report that improvement is observable in the proper keeping up of cause lists and in the careful intimation of the date of adjournments to parties to suits. These matters may appear of trifling character, but are of the greatest importance to suitors, and require the constant attention of the courts. His Honor trusts also that Commissioners and District Officers will give their best co-operation to the Chief Court in enforcing the proper observance of other points of procedure which are said to be more or less neglected, such as the proper examination of parties before framing issues, seeing that the parties are duly informed whether a summons issued is for settlement of issues or for final disposal of a suit, the careful drawing of issues referred to arbitration, and moderation and judgment in the issue of commissions of local investigation. For watchful supervision over the procedure of the courts in these and other matters the Lieutenant-Governor confidently relies upon the Judges of the Chief Court, who, besides being the judges of ultimate appeal, are invested by law with powers of superintendence over the subordinate courts of the province : for the efficiency of that superintendence during the year under report His Honor desires to record his best acknowledgments.

ORDER.—Ordered that a copy of the foregoing remarks be furnished to the Registrar, Chief Court, for the information of the Judges and for circulation with the Report.

Also that the remarks be published in the *Punjab Government Gazette.*

By order of the Honorable the Lieutenant-Governor of the Punjab,

T. H. THORNTON,

Secretary to Government, Punjab.